

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALONZO KEMP,	)	
	)	Civil Action No. 12 – 99
Petitioner,	)	
	)	District Judge Mark R. Hornak
v.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	
BRIAN THOMPSON,	)	
	)	
Respondent.	)	

**MEMORANDUM ORDER**

Alonzo Kemp (“Petitioner”) initiated this action on January 30, 2012, by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This case was referred to Chief Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

Magistrate Judge Lenihan filed a Report and Recommendation on October 5, 2012, recommending that the habeas petition be dismissed without prejudice as premature and that a certificate of appealability be denied. The parties were served with the Report and Recommendation and informed that they had until October 22, 2012, to file written objections. No objections were filed and the time to do so has expired.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 5<sup>th</sup> day of November, 2012;

**IT IS HEREBY ORDERED** that the Petition for Writ of Habeas Corpus (ECF No. 4) is  
**DISMISSED WITHOUT PREJUDICE.**

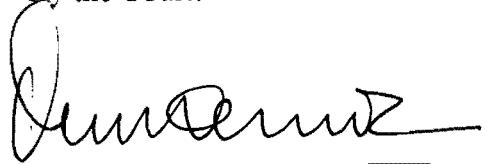
**IT IS FURTHER ORDERED** that a Certificate of Appealability is **DENIED**.

**IT IS FURTHERED ORDERED** that the Report and Recommendation (ECF No. 14)  
dated October 5, 2012, is adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of the Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules  
of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by  
Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Mark R. Hornak  
United States District Judge

cc: Alonzo Kemp  
FW-5125  
SCI Mercer  
801 Butler Pike  
Mercer, PA 16137  
*Via U.S. Postal Mail*

Counsel of Record  
*Via ECF Electronic Mail*